

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06CV255-1-MU

JACK MOORE,

Petitioner,

v.

SIDNEY HARKLEROAD,

Respondent.

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ORDER

THIS MATTER comes before the Court upon Petitioner's Motion for Summary Judgment (Doc. No. 44), filed October 11, 2007.

On August 22, 2006, Petitioner filed a federal habeas petition pursuant to 28 U.S.C. § 2254 with this Court. On January 17, 2007, this Court dismissed Petitioner's petition without prejudice for failure to exhaust his state court remedies. Petitioner appealed the denial of his federal habeas petition and on July 20, 2007, the United States Court of Appeals for the Fourth Circuit dismissed Petitioner's appeal. Based upon this Court's dismissal of Petitioner's federal habeas petition and the Fourth Circuit's dismissal of his appeal, Petitioner's present Motion for Summary Judgment is denied.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Motion for Summary Judgment (Doc. No. 44) is **DENIED**.

Signed: October 12, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

